



RESEARCH REPORT

Catalog number	99009
Date:	July 30, 1999
Subject:	County Attorney Court-wide Restructuring Staffing
To:	David Smith, County Administrative Officer
From:	Sandi Wilson, Deputy County Administrator Christopher Bradley, Budget Manager
Prepared By:	Dan Paranick, Budget Coordinator

Executive Summary

Issue:

The County Attorney's Office has requested additional staff to address the potential workload impact of the Superior Court's recent addition of a fifth quadrant and judicial officers to the Criminal Department.

Analysis:

The purpose of the court-wide restructuring effort and related case processing changes is to increase judges' time in trial by reducing time spent in the "Morning Calendar". To move toward this restructuring, the Superior Court has transferred one Judge and two Commissioners to the downtown Criminal Department from other departments and has implemented a number of procedural changes. **While the number of trials conducted is expected to increase, the number of other hearings is expected to remain flat or decrease as a result of Court efforts to eliminate unnecessary proceedings.**

While the Court restructuring is intended to reduce the time in Morning Calendar, it also **increases the number of both Morning and Afternoon Calendars per day from 25 to 30.**

The County Attorney's Office has **requested funding for six attorney positions, two legal secretaries, one investigator, and one victim witness advocate**, along with associated operating and start-up costs. The staffing request is based on the need to provide attorney coverage for more concurrent Morning and Afternoon Calendars.

The County Attorney's Office at present has 107 attorneys assigned within the office for downtown trials and court coverage. However, on any given day, before the restructuring 52 were unavailable for court coverage for a variety of reasons, including trials, crime scene call-outs, training, and leave. **After the restructuring, an**

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additional two attorneys are unavailable for court coverage due to trial or trial preparation, for a total of 54 unavailable.

Excluding the 54 unavailable leaves 53 attorneys available on average on any given day for court coverage. **The County Attorney's Office still has more than enough prosecutors for court coverage. The need for additional staff therefore hinges on the amount of time attorneys have for other activities outside of court coverage.** The County Attorney's Office has provided a list of these activities, but time requirements cannot be estimated or validated. The only way left to analyze this issue, therefore, is to assume that the time outside of court coverage was sufficient prior to the Court restructuring and analyze the incremental impact of the change.

Our analysis of the incremental impact on non-court coverage time is dependent on the degree to which the Court is achieving its goal of reducing time in Judges' Morning Calendars. For the Quad A pilot project, the Court reduced elapsed times from an average of 3.5 to 1.5 hours. Similar results are anticipated for the court-wide restructuring of calendars. Although this change was made in May 1999, cases are calendared out 60-90 days and the full impact of restructuring will be determined in Mid August or September 1999.

If the original court-wide calendar restructuring achieves its intended results, there will be no incremental impact on County Attorney staffing requirements. However, based on preliminary data reflecting timesavings of only thirty minutes per calendar, the restructuring results in an incremental staffing requirement of 2.5 FTE's.

Conclusions:

- The available data on elapsed time in morning calendars, which is critical to this analysis, is preliminary in nature. **The preliminary nature of the information makes any analysis of the staffing impact difficult.**
- Based on the preliminary data available, **the court-wide restructuring appears to have a marginal impact of 2.5 attorney FTE's, but only assuming that the baseline estimate of available attorney time outside of court coverage was just sufficient prior to the restructuring.** The staffing impact is marginal, and OMB cannot validate the baseline assumptions on which this estimate is based.
- **If the restructuring achieves its intended goals, there will be no incremental impact on the County Attorney's Office.** It is not known whether the restructuring will eventually achieve its goals, and if so, when. Preliminary estimates suggest full implementation by August or September 1999.

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Summary of Potential Staffing Impacts							
	Baseline	Judges' Morning Calendar Reduction in Avg. Time (Hours)				Original Plan	
						Baseline	Reduction
Prosecutor	2.5	0.0	0.5	1.0	1.5	3.5	2.0
FTE's		3.2	2.5	1.7	0.9		0.1

- The court-wide restructuring could place a burden on other agencies if morning calendar times are not reduced. The Superior Court has an obligation to inform the Board of Supervisors when its actions will affect the County budget. This has been the case in the past, and should continue to be in the future.

Recommendations:

- Given the preliminary nature of the court-wide criminal calendar restructuring and considering the data reviewed, it appears the changes made by the Court will have a seemingly marginal staffing impact, and the prospect that the staffing requirement could be reduced or eliminated if the Court-wide restructuring is successfully implemented and achieves its intended objectives.
- OMB does not oppose the County Attorney's Office receiving additional staffing and associated funding, as outlined in the table below from General Fund contingency to address these short-term marginal impacts.

Description	FY 1999-00			FY 2000-01 (Annualized)		
	Salary	Benefits	Total	Salary	Benefits	Total
Personnel						
3 Attorney's	\$ 152,547	\$ 24,856	\$ 177,403	\$ 151,965	\$ 24,792	\$ 176,757
1 Victim Witness Advocate	28,820	5,864	34,684	28,710	5,852	34,562
1 Legal Secretary	23,056	5,231	28,287	22,968	5,221	28,189
Subtotal			\$ 240,374			\$ 239,508
	Units	Unit Cost	Total	Unit	Unit Cost	Total
Supplies and Services						
Office Supplies	4	150	\$ 600	4	150	\$ 600
Telephone	4	312	1,248	4	312	1,248
Subtotal			\$ 1,848			\$ 1,848
Capital						
Telephones	5	500	2,500			-
Telephone Programming	5	25	125			-
Telephone Installation	5	1,500	7,500			-
Computer Equipment	5	1,750	8,750			-
Software	5	1,710	8,550			-
Network Wiring	5	730	3,650			-
Printer	1	4,200	4,200			-
Work Station	1	4,710	4,710			-
Office Furniture	5	2,480	12,400			-
Subtotal			\$ 52,385			-
Total			\$ 294,607			241,356

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- However, OMB also recommends that the County Attorney's Office consider absorbing any future workload impacts within its current staffing if the full benefits or objectives of the Court-wide restructuring effort is achieved. Once fully implemented, the Court-wide restructuring effort is expected to result in future staffing efficiencies for the County Attorney's Office.
- OMB recommends that following full implementation of the court-wide restructuring effort the Superior Court report whether or not the intended objectives are being achieved.
- If the County Attorney's Office chooses to proceed with the staff and funding request outlined above, OMB would not oppose funding up to three attorneys', one Victim Witness Advocate, and one Legal Secretary. If the Board approves such a request, OMB will consider these positions as they relate to process efficiencies in its ongoing analysis of the impact of new judgeships and any other requests associated with court-wide restructuring or attorney-related staffing issues.

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Research Report

Issue

What will the potential workload impact of the Superior Court's decision to add a fifth quadrant and judicial officers to the Criminal Department have on the County Attorney's Office and does the County Attorney need additional staff to address these impacts?

Background

In efforts to improve criminal case processing timelines and reduce the time to disposition for criminal cases, the Superior Court has pursued significant reorganization techniques and various process changes over the past year. One of these changes has been the addition of a fifth quadrant ("Quad E") to the Court's Criminal Department Structure. Prior to these changes the Court had been operating the Criminal Department with a four-quadrant structure. In order to restructure the Criminal Department in consideration of "Quad E", the Court added one judge and two commissioners to the Department. The purpose behind the restructuring effort, along with criminal case processing changes, is to increase flexibility within the Court and to increase in-court time for judicial officers. The outcome is expected to be reduced "churning", the ability to hear more matter and conduct more trials on a daily basis, and ultimately, reducing the time to disposition for criminal cases in general.

As a result of these structural and process changes, there are various impacts on the customers of the Court, primarily the County Attorney's Office and Indigent Representation. According to administrators of the two offices, while the addition of "Quad E" does not necessarily impact normal caseload increases, the number of additional locations and pushing the cases through more quickly have a significant impact on their ability to properly staff the Court. In response to this new structure and the addition of the three additional judicial officers in the Criminal Department, the County Attorney's Office has requested six attorney positions, two legal secretary's, and one investigator, along with associated ongoing and one-time supplies and services and capital.

As such, the following discusses the new court structure and evaluates the impact of these changes on the County Attorney's Office.

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Discussion

Superior Court Staffing

In order to evaluate the impact on the Attorney's Office, the following table outlines the judicial officer staffing arrangement prior to the Court reorganization (Four Quadrant Structure) and post Court reorganization (Five Quadrant Arrangement).

	Four "Quad Arrangement"	Additional Judicial Officers	Five "Quad" Arrangement"
Superior Court Staffing (Criminal)			
Downtown Judges	15	1	16
Southeast Judges	5	0	5
Total Judges	20	1	21
Downtown Commissioners	4	2	6
Southeast Commissioners	1	0	1
Total Commissioners	5	2	7
Downtown Plea Officers	1	0	1
Southeast Plea Officers	0	0	0
Total Plea Officers	1	0	1
Total Downtown Judicial Officers	20	3	23
Total Southeast Judicial Officers	6	0	6
Total Judicial Officers	26	3	29

- The Superior Court has added three judicial officers; one Judge who rotated to Criminal from Special Assignment, and two Commissioners. As illustrated in the table, all of these positions were deployed to the Criminal Department's Downtown location.
- As a result, prior to reorganization, the Downtown location operated with fifteen Judges, four Commissioners, and one Plea Officer and following the reorganization, the Court is currently operating with sixteen Judges, Seven Commissioners and one Plea Officer.

Caseload/Workload Impact

The following table summarizes the immediate impact that the reorganization is having on the daily workload of the Courts and the customers of the Court.

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Description	Pre Superior Court Reorganization	Impact of Superior Court Reorganization	Post Superior Court Reorganization
Calendars			
Morning Calendars (Downtown)	20	3	23
Afternoon Calendars (Downtown)	5	2	7
Total Calendars (Downtown)	25	5	30
Hearings			
Morning Hearing	250	0	250
Afternoon Hearings	110	0	110
Total Hearings	360	0	360
Trials			
Trials (Downtown)	17	1	18

- As illustrated, the addition of the judicial officers has increased the number of calendars per day from 25 to 30. The additional judge position will be hearing an additional morning calendar and the additional commissioners will each be hearing an additional morning calendar and an additional afternoon calendar.
- While the number of trials is expected to increase by one, the number of hearing is expected to remain flat or decrease as a result of the Courts effort to eliminate unnecessary proceedings.
- Regardless of the workload impact, the County Attorney's Office request is in response to the increase in the number of calendars, or number of locations, that the Office must cover each day.

The following considers this impact considering the increase in number of calendars, while taking into consideration the information outlined above.

County Attorney Impact

The County Attorney's request for additional positions is based on the number of new locations that the Office must now cover following the addition of three additional judicial officers and five subsequent additions to the number of daily calendars. Because the County Attorney's Office uses a court coverage system to staff the calendars, the Office indicates that it does not have the necessary staff to cover the additional sites or locations on a daily basis.

Considering this as the basis for the request, the following table and discussion assesses the estimated impact on County Attorney staffing at the Court's downtown location prior to the addition of judicial officers and after the addition of judicial officers.

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Description	Pre Superior Court Reorganization	Impact of Superior Court Reorganization	Post Superior Court Reorganization
Attorney Staffing			
# of Attorney's Assigned Downtown	107	0	107
(-) # of Attorney's Unavailable for Court Coverage			
Cases set for Trial	-17	-1	-18
Called out to Crime Scene	-2	0	-2
Preparing for Trial	-8	-1	-9
Sick, Vacation, Training, etc.	-10	0	-10
Another Matter on Caseload	-15	0	-15
Total Attorney's Unavailable	-52	-2	-54
(-) Attorney's Available for Court Coverage	55		53
Attorney's Needed for Court Coverage			
# Needed for Morning Calendar	20	3	23
# Needed for Afternoon Calendar	5	2	7
Total Needed	25	5	30

- The County Attorney has 107 attorney positions assigned to cover the workload impact associated with the Downtown Criminal Department. In addition to the daily work that the attorneys must attend to, they are required to provide daily court coverage two days per week. According to the Office, of the 107 attorneys assigned, it is estimated that 52 are unavailable for court coverage on any given day. Of the 52 who are unavailable, it is estimated that 17 have case set for trial or are second chairing a less experienced attorney, 2 were called out to a crime scene the night before, eight are preparing for a trial the next day, 10 are sick, on vacation, on extended leave, in training or out-of-county in case preparation, and 15 are attending another matter on their caseload.
- Given these assumptions, it is estimated 55 attorneys were available for court coverage on any given day prior to the addition of calendars and 53 are currently available following the Criminal Department reorganization. Of the 53 currently available, needs to cover 30 locations or calendars, 23 in the morning and 7 in the afternoon, an increase by 5 locations prior to reorganization.

Taking this into consideration, the following table evaluates the number of hours needed to provide court coverage for the County Attorney's Office. The analysis compares the number of hours needed for court coverage prior to the recent changes by the Superior Court with the number of hours needed following the changes.

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NON-COURT ATTORNEY PRODUCTIVITY TIME			
Description	Pre Superior Court Reorganization	Impact of Superior Court Reorganization	Post Superior Court Reorganization
Attorney's Available for Court Coverage	55	(2)	53
X Hours Available for Court Coverage (4 days per Week)	1,664	1,664	1,664
Total Attorney Hours Available	91,520	(3,328)	88,192
Judges Morning Calendar Per Day	15.0	1.0	16.0
X Avg. Length of Morning Calendar	2.50	0.5	2.05
Hours in Morning Calendar Per Day	37.5	(4.7)	32.8
Commissioners Morning Calendar Per Day	5.0	2.0	7.0
X Avg. Length of Morning Calendar	3.5	-	3.5
Hours in Morning Calendar Per Day	17.5	7.0	24.5
Commissioner Afternoon Calendars Per Day	5.0	2.0	7.0
X Avg. Length of Afternoon Calendar	3.5	-	3.5
Hours in Afternoon Calendar Per Day	17.5	7.0	24.5
Total Hours in Calendar Per Day	72.5	9.3	81.8
X Days Per Week	4.0	-	4.0
Hours In Calendar Per Week	290.0	37.20	327.2
X Weeks Per Year	52.0	-	52.0
Hours in Calendar Per Year	15,080	1,934	17,014
Attorney Hours Available less Attorney Hours Needed for Court Coverage	76,440	(5,262)	71,178
Attorney Hours Needed to Maintain Status Quo			5,262

- Using the assumptions of the court coverage staffing model provided by the County Attorney's Office, there were an estimated 55 attorneys available for court coverage prior to the change and there are currently, an estimated 53 attorney's currently available for coverage.
- When considering a four-day week, based on the number of days that morning calendars are held, there were an estimated 91,520 attorney hours available for court coverage and other duties prior to the change and 88,192 hours available after the change. **Because of the addition of judicial officers it is estimated that the available attorney time for court coverage has been reduced by approximately 3,328 hours.**
- While the number of calendars has increased by 5, necessitating the need to cover additional locations, it is estimated that the actual number of hours need provide court coverage per day has increased by 9.3 hours per week. While the morning and afternoon commissioner calendars will add an additional 9.3 hours, it is offset by a reduction of 4.7 hours in the judge's morning calendar. The estimated reduction in average court calendar time per day is based on a sample taken prior

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to the reorganization effort in the Quads and a sample of calendars taken following the change.

- One of the primary objectives of the changes that have been made by the Court was reducing the time spent on the Judges morning calendar to allow for more time in trial. Prior to the change, it was estimated that the morning calendars lasted 2.5 hours. Following the change the time spent in morning court coverage was estimated to be 2.05 based on the sample of cases over a one-week period in June. The analysis also assumes that the length of the commissioners calendars have remained constant. **It sum, when taking into consideration the increases in court coverage hours needed based on the additional commissioner positions and the decrease in time needed for coverage based on the reduction of time spent on the judges morning calendar, it is estimated that 1,934 additional hours are needed per year for court coverage.**
- While the goal of reducing the morning calendar to 1.5 hours would not necessarily result in the need for new attorney staff, the full results of reducing time in the calendars have not yet been realized. While a decrease has been realized, reducing the time from an average of 2.5 to 2.05, the 1.5 hour goal has not been reached.

While the above analysis estimates the number hours available and needed for court coverage, it also indicates that there is a significant amount of time available for other tasks on their regular caseloads that the attorney's must complete. In order to evaluate the need for staff, it is necessary to evaluate this workload as well. While understandably difficult to track the number of hours spent on individual task, the Office has provided a list of additional tasks that are being completed with the additional time available that is not spent in court coverage. These tasks that take up this time are outlined in the table below:

Tasks Needed to be Completed When Not in Court Coverage	
Crime Scene Callout	Preparing Victims' Rights Notice
Reviewing Submittal and Charging Case	Preparing Pretrial Motions
Grand Jury Preparation	Attending Motion Hearings
Grand Jury Presentation	Subpoenaing and Scheduling Witnesses
Reading Police Reports and Submittals	Reviewing Evidence Before Trial
Providing Discovery, Redaction, Preparing Witness Lists, etc.	Preparing for Trial: Demonstrative Evidence, Expert Witnesses
Supplemental Discovery	Preparing Opening and Closing Statements
Preparing for and/or Attending Pretrial Conferences (Average of 3 per case)	Trial (3 days per criminal trial and 6 to 8 days for major crimes cases)
Determining and Offering Plea Agreements	Preparing for and/or Attending Sentencing
Interviewing Witnesses	Closing Out Case
Contacting and Interviewing Victims	Filing Documentation

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Based on a review of caseloads between January and May, 1999 and accounting for the additional hours available to work on regular caseload, the Office points out the following:

- That each prosecutor in the Criminal Trial Division, on average is assigned one new case every two days, disposes of a case by plea, diversion, trial, or dismissal every two days and handles one trial ever two weeks.
- That each prosecutor in the Major Crimes Division, on average is assigned one new submittal every two days, files one new case every three days, is assigned one new case ever week, disposes of a case by plea, dismissal or trial every week, and handles one trial every ten weeks.

Assuming that the additional attorney time, as outlined above is necessary and is being used efficiently, and taking into consideration that an estimated 3,328 hours of available attorney time for court coverage was reduced and a net 1,934 additional hours are needed for coverage as a result of adding calendars, it is estimated that the County Attorney's Office needs approximately 5,262 hours of time to maintain current operations.

Victim Witness Staffing

The following table and comments summarize information reviewed relative to the request for and additional Victim Witness Position:

COUNTY ATTORNEY'S OFFICE ADULT VICTIM WITNESS STATISTICS CY 1995 through CY 1999						
	1995	1996	1997	1998	1999*	With Additional
Victims	15,090	21,025	23,692	25,601	25,422	25,422
% Change		39.33%	12.68%	8.06%	-0.70%	0.00%
% Change between CY 1995 and CY 1999					68.47%	68.47%
% Change between CY 1996 and CY 1999					20.91%	20.91%
% Change between CY 1997 and CY 1999					7.30%	7.30%
General Funded Advocates	12	20	14	14	14	15
Grant Funded Advocates	8	9	15	16	18	18
Total Advocates**	20	29	29	30	32	33
% Change		45.00%	0.00%	3.45%	6.67%	3.13%
% Change between CY 1995 and CY 1999					60.00%	65.00%
% Change between CY 1996 and CY 1999					10.34%	13.79%
% Change between CY 1997 and CY 1999					10.34%	13.79%
Victims Per Advocate	754.50	725.00	816.97	853.37	794.44	770.36
% Change		-3.91%	12.68%	4.46%	-6.91%	-3.03%
% Change between CY 1995 and CY 1999					5.29%	2.10%
% Change between CY 1996 and CY 1999					9.58%	6.26%
% Change between CY 1997 and CY 1999					-2.76%	-5.70%
*projected on YTD through June of 12,711						
** Does not include Victim Witness Supervisors or Juvenile Victim Witness Advocates						

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- The number of victims has increased by about 68% between calendar year 1995 and 1999. During the same period the Office has had a 60% increase in staff. During this period the number of victims per advocate has increased by about 6%.
- When factoring out the substantial increase between 1995 and 1996, which included the addition of 8 additional general funded advocates to address this increase, the number of victims has increased by approximately 20%, while the number of staff has increased 10% over the same period. This period reveals that the number of victims per advocate have increased by 9.58%.
- When comparing 1997 to the projected amounts for 1999, the number of victims has increased by 7%, while the number of staff (although grant funded) have increased by 10%. During this period the number of victims per advocate has been reduced by about 2%
- Based on year to date data through June, it appears that the number of victims will remain flat as compared to 1998.
- **Based on this high level review, the need for an additional advocate is very marginal.** When comparing increases in the number of victims to increases in staffing and the number of victims per advocate since 1997, there does not seem to be a strong rational for adding more staff. **Recent addition of grant funded advocates has kept pace with the growth in the number of victims since 1997.**
- However, the Office contends that changes made by the Court will require more victim assistance because of an increase in trials and the need to assist the victims associated with the increase in trials. OMB concludes that there may be a short-term need for an additional advocate, but once court efficiencies are realized, this position will be considered for absorbing future growth or restructuring issues.

Conclusions:

- The available data on elapsed time in morning calendars, which is critical to this analysis, is preliminary in nature. **The preliminary nature of the information makes any analysis of the staffing impact difficult.**
- Based on the preliminary data available, **the court-wide restructuring appears to have a marginal impact of 2.5 attorney FTE's, but only assuming that the baseline estimate of available attorney time outside of court coverage was just sufficient prior to the restructuring.** The staffing impact is marginal, and OMB cannot validate the baseline assumptions on which this estimate is based.
- **If the restructuring achieves its intended goals, there will be no incremental impact on the County Attorney's Office.** It is not known whether the restructuring

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will eventually achieve its goals, and if so, when. Although preliminary estimates suggest full implementation by August or September 1999.

- **The Court-wide calendar could place a burden on other agencies if morning calendar times are not reduced. The Superior Court has an obligation to inform the Board of Supervisors when its actions will affect the County budget, has provided such information in the past, and should continue to do so in the future.**

Recommendations:

- **Given the preliminary nature of the court-wide criminal calendar restructuring and considering the data reviewed, it appears the changes made by the Court will have a seemingly marginal staffing impact, and the prospect that the staffing requirement could be reduced or eliminated if the Court-wide restructuring is successfully implemented and achieves its intended objectives.**
- **OMB does not oppose the County Attorney's Office receiving additional staffing and associated funding, as outlined in the table below from General Fund contingency to address these short-term marginal impacts.**

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- **However, OMB also recommends that the County Attorney's Office consider absorbing any future workload impacts within its current staffing if the full benefits or objectives of the Court-wide restructuring effort is achieved. Once**

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fully implemented, the Court-wide restructuring effort is expected to result in future staffing efficiencies for the County Attorney's Office.

- OMB recommends that following full implementation of the court-wide restructuring effort the Superior Court report whether or not the intended objectives are being achieved.
- If the County Attorney's Office chooses to proceed with the staff and funding request outlined above, OMB would not oppose funding up to three attorneys', one Victim Witness Advocate, and one Legal Secretary. If the Board approves such a request, OMB will consider these positions as they relate to process efficiencies in its ongoing analysis of the impact of new judgeships and any other requests associated with court-wide restructuring or attorney-related staffing issues.